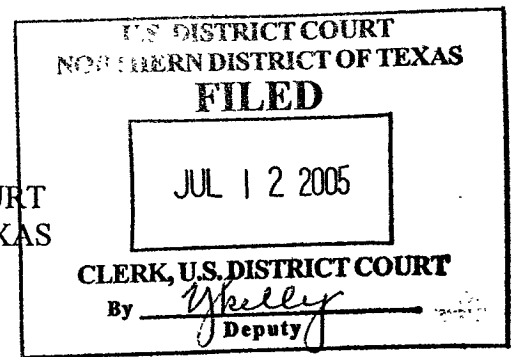


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS

Special Order No. 2- 61



1. The District Judges of this Court have considered and adopted the attached amendments to the local criminal rules of this Court. The amendments adopt new local criminal rules 59.1 and 59.2, if new Fed. R. Crim. P. 59 takes effect on December 1, 2005.
2. Unless modified after receipt of public comment, these rules shall take effect on December 1, 2005, if new Fed. R. Crim. P. 59 takes effect on December 1, 2005, and shall apply to all proceedings in criminal actions thereafter commenced and, insofar as just and practicable, all proceedings in criminal actions then pending.
3. Any persons who desire to comment on the proposed amendments may do so by submitting written comments to:

Clerk of Court  
United States District Court for the Northern District of Texas  
Attention: Local Criminal Rules 59.1-59.2 Comments  
1100 Commerce Street, 14th Floor  
Dallas, Texas 75242-1495

The deadline by which the Clerk must receive comments is October 3, 2005.

4. The Clerk of Court is directed to make the necessary distribution.

**SO ORDERED.**

July 12, 2005.

FOR THE COURT:

A. Joe Fish  
A. JOE FISH, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

## Proposed Local Criminal Rules 59.1 and 59.2

LCrR 59.1 and 59.2 are adopted effective December 1, 2005, if new Fed. R. Crim. P. 59, adopted by the Supreme Court of the United States and transmitted to Congress, takes effect on December 1, 2005.

### **LCrR 59.1 Briefing Practice Concerning Objections to Magistrate Judge Orders in Nondispositive Matters.**

(a) **Brief.** Objections filed under Fed. R. Crim. P. 59(a) must be accompanied by a brief that sets forth the party's contentions of fact and/or law, and argument and authorities, and complies with LCrR 47.2.

(b) **Response Brief.** A response brief to objections filed under Fed. R. Crim. P. 59(a) must comply with LCrR 47.2 and be filed within 10 days from the date the objections are filed.

(c) **Reply Brief.** Reply briefs may not be filed unless the moving party requests, and the presiding judge grants, leave to do so. If leave is granted, the reply brief shall be filed no later than the deadline set by the presiding judge and comply with LCrR 47.2.

(d) **Preparing the Record.** A party who files objections under Fed. R. Crim. P. 59(a) is responsible for preparing the record and—if necessary for disposition of the objections—obtaining a hearing transcript. Unless otherwise directed by the presiding judge, the transcript must be filed contemporaneously with the objections.

### **LCrR 59.2 Briefing Practice Concerning Objections to Magistrate Judge Recommendations on Dispositive Motions.**

(a) **Brief.** Objections filed under Fed. R. Crim. P. 59(b)(2) must be accompanied by a brief that sets forth the party's contentions of fact and/or law, and argument and authorities, and complies with LCrR 47.2.

(b) **Response Brief.** A response brief to objections filed under Fed. R. Crim. P. 59(b)(2) must comply with LCrR 47.2 and be filed within 10 days from the date the objections are filed.

(c) **Reply Brief.** Reply briefs may not be filed unless the moving party requests, and the presiding judge grants, leave to do so. If leave is granted, the reply brief shall be filed no later than the deadline set by the presiding judge and comply with LCrR 47.2.